

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Christensen et al. Docket: YOR920010554US2
(8728-538)

Serial No: 10/036,194 Group Art Unit: 2144

Filed: December 28, 2001 Examiner: Shaw, Peling Andy

For: **SYSTEM AND METHOD FOR PROVIDING ACCESS AND
UTILIZATION OF CONTEXT INFORMATION**

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDED APPEAL BRIEF

In response to the Final Office Action dated November 27, 2006, the Advisory Action dated February 13, 2007, the Notice of Panel Decision dated April 23, 2007, finally rejecting Claims 1-21, 23, and 41 under 35 U.S.C. §102(e), and the Notice of Non-Compliant Appeal Brief dated September 5, 2007, Applicant appeals pursuant to the Notice of Appeal filed on February 27, 2007 and submits this Amended Appeal Brief.

TABLE OF CONTENTS

	<u>Page</u>
1. REAL PARTY IN INTEREST	1
2. RELATED APPEALS AND INTERFERENCES	1
3. STATUS OF CLAIMS	1
4. STATUS OF AMENDMENTS	1
5. SUMMARY OF CLAIMED SUBJECT MATTER	2
6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL	4
7. ARGUMENT	5
A. The Claim Rejections Under 35 U.S.C. §102 Are Legally Deficient	5
i. Claims 1 and 23	5
ii. Claims 2-21	8
B. Conclusion	9
8. CLAIMS APPENDIX	10
9. EVIDENCE APPENDIX	16
10. RELATED PROCEEDINGS APPENDIX	17

1. Real Party in Interest

The real party in interest is International Business Machines Corporation, the assignee of the entire right, title, and interest in and to the subject application by virtue of an assignment of record.

2. Related Appeals and Interferences

(None)

3. Status of Claims

Claims 1-21, 23 and 41 are pending, stand rejected, and are under appeal.

Claims 22 and 24-40 have been canceled.

A copy of the Claims as pending is presented in the Claims Appendix.

4. Status of Amendments

(None)

5. Summary of Claimed Subject Matter

The present invention relates to methods for providing access to an electronic profile.

Referring to Claim 1, a method for providing access to an electronic profile of a first client to a second client (see for example, page 11, line 20 to page 12, line 10) includes creating a network accessible electronic profile of the first client, wherein the electronic profile is accessible by an active object, wherein the active object is bound to the electronic profile (see for example, page 13, line 15 to page 14, line 3), defining an access right of the second client, wherein the access right determines a portion of the electronic profile accessible to the second client via the active object (see for example, page 15, lines 22-24), verifying an identity of the second client (see for example, page 16, lines 9-11), and providing access to the portion electronic profile to the second client via the active object, wherein the active object is transferred to the second client from the first client (see for example, page 16, lines 11-18).

Referring to Claim 23, a program storage device readable by a storage network node, tangibly embodying a program of instructions executable by the machine to perform method steps for providing access to an electronic profile of a first client to a second client (see for example, page 11, line 20 to page

12, line 10, page 12, line 11 to page 13, line 14, and page 19, lines 5-16), the method including storing a network accessible electronic profile of the first client, wherein the electronic profile is accessible by an active object, wherein the active object is bound to the electronic profile (see for example, page 19, lines 7-10), storing an access right of the second client, wherein the access right determines a portion of the electronic profile accessible to the second client via the active object (see for example, page 15, lines 21-22), verifying an identity of the second client (see for example, page 16, lines 9-11), and providing access to the portion electronic profile to the second client via the active object, wherein the active object is transferred to the second client from the first client, and wherein the second client is network nodes coupled to the storage network node via a network (see for example, page 16, lines 11-18).

6. Grounds of Rejection to be Reviewed on Appeal

A. Claims 1-21 and 23 stand rejected under 35 U.S.C. 102(e) as being anticipated by Engstrom (US Patent Pub. 20020138286). Of these claims, Claims 1 and 23 are independent.

7. Argument

A. The Claim Rejections Under 35 U.S.C. 102 Are Legally Deficient.

Under 35 U.S.C. §102, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. See MPEP §2131.

i. Claims 1 and 23

It is respectfully submitted that at the very least, the combined teachings of Engstrom are legally deficient to establish a prima facie case of anticipation against independent Claims 1 and 23.

Claims 1 and 23 claim, *inter alia*, "defining an access right of the second client, wherein the access right determines a portion of the electronic profile accessible to the second client via the active object; verifying an identity of the second client; and providing access to the portion electronic profile to the second client via the active object, wherein the active object is transferred to the second client from the first client."

Engstrom teaches a service for generating personality profiles to be provided to content providers on behalf of one or

more clients (see Abstract). Essentially, Engstrom teaches methods in which a service provider is employed to provide personality profiles on the behalf of a client, fabricating all or some of an identity of the client in order to preserve the client's privacy (see for example, paragraphs [0005-0006]). On its face Engstrom is related to an entirely different implementation of client profiles. More particularly, Engstrom does not teach "providing access to the portion electronic profile to the second client via the active object, wherein the active object is transferred to the second client from the first client" as claimed in Claims 1 and 23. The personality profiles of Engstrom are used in accessing content pages without the need to disclose personally identifiable information to a content provider (see paragraph [0023]). Engstrom's personally profiles are offered to content providers to allow a client to access information. That is, according to Engstrom the service provider transmits registration information to content provider on behalf of a client to gain access to the content provider's information. This is not analogous to the claimed invention. For example, the claimed limitations recite:

1. defining an access right of the second client, wherein the access right determines a portion of the electronic profile accessible to the second client via the active object;

2. wherein the active object is transferred to the second client from the first client
3. verifying an identity of the second client; and
4. providing access to the portion electronic profile to the second client via the active object.

Engstrom's client employs the service provider to provide registration information to gain access to data of a content provider. Nowhere does Engstrom teach providing an active object to the content provider to allow the content provider to access any other entity, be that the service provider or the client (nor does Engstrom teach providing an active object to the client to allow the client to access the content provider). According to Engstrom, a profile is provided - profiles are not accessed.

Further, nowhere does Engstrom teach that an identity is verified, be that of the client or the content provider. Indeed, Engstrom's method conceals an identity of the client by providing incomplete or random information to the content provider (see for example, paragraphs [0005] and [0043]), rendering any verification of identity unworkable.

Further still, it is important to note that Engstrom teaches that different personality profiles may be created for each content provider request - that is, a complete personality

profile is provided to the content provider (see for example, paragraph [0029]). Nowhere does Engstrom teach providing access to a portion of an electronic profile, essentially as claimed in Claims 1 and 23.

In view of the foregoing it is believed to be apparent that Engstrom fails to teach "verifying an identity of the second client; and providing access to the portion electronic profile to the second client via the active object, wherein the active object is transferred to the second client from the first client" as claimed in Claims 1 and 23.

Accordingly, the rejection of Claims 1 and 23 should be overruled.

ii. Claims 2-21

Claims 2-21 depend from Claim 1. The dependent claims are believed to be allowable for at least the reasons given for Claim 1. Reconsideration of the rejection is respectfully requested.

B. Conclusion

The claimed invention is not disclosed or suggested by the teachings of the applied prior art references, either alone or in combination. Moreover, the Examiner has failed to establish a case of anticipation of the presently claimed method under 35 U.S.C. §102 in view of Engstrom with respect to Claims 1-21 and 23 for at least the reasons noted above. Accordingly, it is respectfully requested that the Board overrule the rejections of Claims 1-21 and 23 under 35 U.S.C. §102.

Claim 41 depends from Claim 1 and is believed to be allowable for at least the reasons given for Claim 1.

Date: September 12, 2007

By: /Nathaniel T. Wallace/
Nathaniel T. Wallace
Reg. No. 48,909
Attorney for Appellants

F. CHAU & ASSOCIATES, LLC
130 Woodbury Road
Woodbury, New York 11797
TEL: (516) 692-8888
FAX: (516) 692-8889

8. Claims Appendix

1. A method for providing access to an electronic profile of a first client to a second client comprising the steps of:

creating a network accessible electronic profile of the first client, wherein the electronic profile is accessible by an active object, wherein the active object is bound to the electronic profile;

defining an access right of the second client, wherein the access right determines a portion of the electronic profile accessible to the second client via the active object;

verifying an identity of the second client; and

providing access to the portion electronic profile to the second client via the active object, wherein the active object is transferred to the second client from the first client.

2. The method of claim 1, further comprising the step of defining a second access right of a third client wherein the access right determines a portion of the electronic profile available to the third client via the active object.

3. The method of claim 1, wherein the active object is a network accessible active object.

4. The method of claim 1, wherein electronic profile comprises location information of the first client.

5. The method of claim 1, wherein electronic profile comprises status information of the first client.

6. The method of claim 1, wherein electronic profile comprises a communication channel of the first client.

7. The method of claim 1, wherein the step of defining the access right further comprises the step of defining the access right according to a predefined access right specifying a portion of the electronic profile accessible to the second client.

8. The method of claim 7, wherein the electronic profile is associated with one or more clients.

9. The method of claim 1, further comprising the step of limiting the portion of the electronic profile provided by the active object according to a preference of the second client.

10. The method of claim 1, wherein the active object enables the second client to contact the first client.

11. The method of claim 1, further comprising the steps:
specifying, in the electronic profile, a communication
channel of the first client accessible to the second client; and
establishing the communication channel between the first
client and the second client upon selecting the communication
channel, wherein the active object comprises means for
selecting the communication channel.

12. The method of claim 1, wherein the electronic profile
notifies the first client upon an access of the electronic
profile.

13. The method of claim 1, wherein at least one of the
first client and the second client is a role satisfied by one or
more users.

14. The method of claim 1, further comprising the step of
specifying means for transacting funds.

15. The method of claim 14, wherein the means for
transacting funds is specified in the electronic profile.

16. The method of claim 14, further comprising the step of charging a fee for transacting funds between the first client and the second client.

17. The method of claim 14, wherein the means for transacting funds dynamically determines one of a source and a destination of funds of the first client according to a property of the transaction.

18. The method of claim 1, further comprising the step of authenticated the electronic profile.

19. The method of claim 1, further comprising the step of authenticating information disclosed by the electronic profile.

20. The method of claim 1, further comprising the step of automatically modifying the access right of the second client according to a variable defined in the electronic profile.

21. The method of claim 1, wherein the access right changes over time as a function of a relationship between the first party and the second party.

23. A program storage device readable by a storage network node, tangibly embodying a program of instructions executable by the machine to perform method steps for providing access to an electronic profile of a first client to a second client, the method comprising the steps of:

storing a network accessible electronic profile of the first client, wherein the electronic profile is accessible by an active object, wherein the active object is bound to the electronic profile;

storing an access right of the second client, wherein the access right determines a portion of the electronic profile accessible to the second client via the active object;

verifying an identity of the second client; and

providing access to the portion electronic profile to the second client via the active object, wherein the active object is transferred to the second client from the first client, and wherein the second client is network nodes coupled to the storage network node via a network.

41. The method of claim 1, further comprising the steps of: storing a contract template, wherein the contract template comprises a plurality of roles and a plurality of access rights, wherein each role is associated with at least one access right;

staffing each role with one of the first client and the second client, wherein the first client and the second client each provide access to corresponding electronic profiles accessible by corresponding active objects; and

assigning access rights to the first client and second client according to the contract template and the active objects.

9. Evidence Appendix

(None)

10. Related Proceedings Appendix

(None)